

ON MONDAY, MAY 2, 2022, THE BOARD OF ADJUSTMENT HELD THEIR REGULAR MEETING IN THE 2nd FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: Tim Turney, Ken Winkfield, Lonnie Estes, Bart Shockley, David Prewitt.

MINUTES: A motion was made by Mr. Shockley, as seconded by Mr. Prewitt, to approve the April 4, 2022 minutes, as submitted. The motion carried with five (5) aye votes.

OLD BUSINESS:

DECISION – Application #04-009-2022 – Conditional Use Permit – John W. Faust (Owner) – 11881 Troy Pike – A-1 District – Article VII, Section 701.4 (I) and 701.8 (F & G) – Owner is seeking a Conditional Use Permit for an Agricultural Enterprise to grown corn and then distill in an onsite distillery, including barrel storage warehouses, a bottling facility, with restored Guynn Mill structures functioning as a tasting room and gift shop.

Chairman Turney asked the Board members if they had reviewed the minutes and material from the April 4, 2022 meeting, all members acknowledged that they had. Chairman Turney asked if anyone was prepared to make a motion. Mr. Estes distributed his prepared motion to the Board.

A motion was made by Mr. Estes, as seconded by Mr. Winkfield, to deny, based on the record as presented at the April 4, 2022 meeting and the Findings of Fact below:

- Public safety will be adversely affected due to increased traffic, especially commercial trucks along Troy Pike and other traffic on Paul’s Mill, an issue raised repeatedly at the public hearing. No traffic study or rebuttal was offered.
- Environmental nuisance issues raised during the public hearing included: water runoff, water supply (tainted spring water), chemical spillage, “whiskey fungus”, and effects of the distillery on the creek and wildlife in the area. No rebuttal or evidence was offered to refute comments made during hearing.
- Public safety issue was raised during the public hearing with regard to the source of water. If the water in the creek cannot be used due to poor water quality and/or volume and public water has to be used, lower water pressure may ensue for neighbors downstream, potentially creating a public health and safety issue. There has been no assessment with regard to water quality impact or water supply and no rebuttal was submitted to address this.
- Finally, this area is on the National Register as a Historic District in Woodford County as noted in the public hearing. The construction and operation of an agricultural enterprise/agricultural plant (commercial distillery) would alter the character of the District.

Chairman Turney asked if there was any discussion, hearing none, the motion carried with five (5) aye votes.

NEW BUSINESS:

PUBLIC HEARING – Application #05-010-2022 – Conditional Use Permit – Randi C. Streb (Owner/applicant) – 161 Spring Run Rd - R-4 District - Article VII, Section 710.4, 705.4(H) & Article V, Section 507 (A-R) – The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located in one of the units on the property known as 161 Spring Run Rd.

Chairman Turney declared the hearing open and called upon Josh Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the Owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located on the property known as 161 Spring Run Road. The structure is listed as a single story, four bedroom, two bathroom duplex, with a total of 2709 square feet of living space. The duplex was constructed in 1994. There have been no previous approvals for BOA. The property appears to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed B&B. The request appeared to meet all of the necessary criteria and the associated Ordinances. All public notifications were met. An aerial photograph of the subject property from the Versailles-Midway-Woodford County GIS was attached to this report.

Mr. Stevens provided twelve suggested conditions to be included if the Board approves the request and highlighted seven of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, including but not limited to Article V, Section 507(A-R).
2. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B.
3. The Owner, Lessee, or Owners agent must reside on the same property as the B&B.
4. **The Conditional Use Permit shall be personal with Randi C Streb and shall become null and void upon the sale, rent or lease of the property to any other party.**
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Guests shall be limited to 6.**
8. **No amplified music outside, and all music to cease at 10pm.**
9. **Limit overnight Parking to 2 vehicles.**
10. **No single night stays allowed.**
11. **Cars must be parked off street at rear of property.**
12. **CUP is restricted to one unit only. The other unit must be occupied by owner, lessee, or owner's agent to comply with condition #3.**

Chairman Turney asked if any members had questions regarding the staff report, hearing none, Chairman Turney called upon the applicant for comment.

Randi Streb was present and noted that she purchased the home to be able to have a B&B on one side and the property manager will reside on the other side. Ms. Streb included the HOA rules with her application.

Chairman Turney asked if there were any questions for the applicant or if anyone from the public wished to speak.

Alisha Rodriguez, neighbor, noted that she was under the impression that it was just going to be a B&B and not an Air B&B because there are different rules and regulations for those. She was concerned with strangers coming in and out and concerned with noise and parking. Chairman Turney noted that the noise and parking had been addressed in the conditions. Chairman Turney noted that the CUP would be reviewed annually and complaints would be addressed when they are received.

Dana Ross, property manager, noted that she sold the property to Ms. Streb. Ms. Ross noted that the property has a circular drive in the front and parking in the rear so parking would not be an issue.

Ralph Chalk, President of the Homeowners Association, questioned if there was an age limit to rent too and also when complaints would be addressed.

Ms. Streb noted that she wants the property to be accepted by everyone around and she has done many updates and has a lawn service. Ms. Streb noted that the rental would be for a two night minimum at \$180 a night. There will not be any parking in the front. Ms. Streb noted that there was not a minimum age but it would be at her discretion to rent it. Chairman Turney asked if she would agree to a condition that the minimum age of the main person responsible be at least 25 years of age. Ms. Streb agreed to that condition.

Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, based on the record and the twelve noted conditions and the condition that the minimum age of the main person responsible be at least 25 years of age. Application #05-010-2022 –Conditional Use Permit – Randi C. Streb (Owner/applicant) – 161 Spring Run Rd - R-4 District - Article VII, Section 710.4, 705.4(H) & Article V, Section 507 (A-R) – The owner is requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation Rental located in one of the units on the property known as 161 Spring Run Road. The motion carried with five (5) aye votes.

PUBLIC HEARING - Application #05-011-2022 – Conditional Use Permit – Michael B. & Emily Gampper (Owner/Applicant) – 353 Gleneagles Way - R-1B District - Article VII, Section 705.4(A) via 706.4 & Article II, Definition 260 (Home Occupation)– The owner is requesting a Conditional Use Permit (CUP) for a Home Occupation to operate a one person low volume chiropractic practice.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owner is requesting a Conditional Use Permit (CUP) for a Home Occupation to operate a one person low volume chiropractic practice. The subject property is zoned R-1B (Low Density Single

Family Residential). The house was listed as 4 bedrooms, 2.5 baths with 3,228 square feet of living space, and was constructed in 2013. There are no previous BOA cases at this residence. On March 31, 2022 a violation letter was sent to the applicant due to a complaint for operating a home business prior to BOA approval. A copy of the letter was attached to the staff report. During research operations for this report, two zoning matters came to light which need to be addressed. There is a Recreational Vehicle stored in the driveway that can only be stored in the rear yard, and a storage building has been placed in the side yard that can only be in the rear yard. Both of these situations are zoning violations via section 600.4, and section 504.4(A) attached to this report. These violations have been discussed with the applicant and will need to be fixed prior to operation of the home occupation. The request appeared to meet all of the necessary criteria and the associated Ordinances. All public notifications were met.

Mr. Stevens provided eight suggested conditions to be included if the Board approves the request and highlighted four of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The Owner shall comply with all other federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the Owner as a result of the approval of the CUP.
3. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
4. **The Conditional Use Permit shall be personal with Michael B & Emily Gampper and shall become null and void upon the sale or transfer of the property.**
5. The Owner shall return to the Board prior to ANY changes to the approved conditions.
6. **The Owner will operate no more than one station in the home, by appointment only, one client at a time. With hours of operation M-F 9AM-6PM.**
7. **All conditions for Home Occupation definition #260 (1-9) shall be adhered to.**
8. **Owner shall maintain a minimum of one clear space for parking in driveway for clients.**

Chairman Turney asked if any members had questions regarding the staff report, hearing none, Chairman Turney called upon the applicant for comment.

Emily Gampper was present and noted that the RV had been moved and they are in the process of moving the shed; they were not aware that the side yard was not a permitted location for a shed. She agreed with the imposed conditions and noted that she sees one client at a time.

Chairman Turney asked the Board if they had any questions. Mr. Shockley asked if they could delay action until the violations are corrected. Chairman Turney noted that a condition could be added that approval would be contingent upon correcting the violations.

Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Shockley, as seconded by Mr. Estes, to approve, based on the record and with the eight (8) conditions as listed and contingent upon correcting the two violations as noted in the staff report, Application #05-011-2022 – Conditional Use Permit – Michael B. & Emily Gampper (Owner/Applicant) – 353 Gleneagles Way - R-1B District - Article VII, Section 705.4(A) via 706.4 & Article II, Definition 260 (Home Occupation)– The owner is requesting a Conditional Use Permit (CUP) for a Home Occupation to operate a one person low volume chiropractic practice. The motion carried with five (5) aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 6:53 p.m. The motion carried with five (5) aye votes.

Tim Turney, Chairman
TT/ko